

HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

and

HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

W.A.No.697 OF 2006

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Between:

Sri P.Krishna

..... Appellant

AND

Smt.M.Suseela and 2 others.

.....Respondents

::JUDGMENT::

Counsel for the Appellant : Sri Vedula Srinivas

Counsel for Respondent No.1 : Sri V.Ravinder Rao

**Counsel for Respondent Nos 2&3 : Government Pleader for
Panchayat Raj**

Dated 15/6/2006

Per Sri G.S.Singhvi, CJ

This appeal is directed against order dated 31-5-2006 passed by the learned Single Judge in Writ Petition No.10518 of 2006 whereby he directed the State Government to dispose of the revision petition filed by respondent No.1 against the order of her suspension with the rider that till the decision of the revision petition, the order of suspension shall remain stayed.

When WAMP No.1288 of 2006 filed by the applicant for grant of leave to appeal against the order of the learned Single Judge was taken up for hearing, learned Government Pleader, on the basis of instructions given to him by the departmental authorities, made a statement that respondent No.1 had not filed revision petition till 31.5.2006 i.e. the date on which the writ petition filed by her was disposed of by the learned Single Judge. Upon this, learned counsel for respondent

No.1 sought adjournment to seek instructions.

Today, in the pre-lunch session, learned counsel for respondent No.1 invited our attention to what has been described as an affidavit of Sri P.Anil Kumar, advocate clerk who is said to have submitted revision petition in the tappal section of the Panchayat Raj Department on 11.5.2006. Although the so called affidavit of Sri P.Anil Kumar is liable to be ignored because it is not verified as per the mandatory requirement of Rule 5 of the Andhra Pradesh High Court Writ Rules, 1977, keeping in view the nature of the case, we asked the learned Government Pleader for Panchayat Raj to again get in touch with the authorities concerned and make a statement whether or not the revision petition had, in fact, been filed.

Learned Government Pleader now says that someone had filed a revision petition on behalf of the petitioner on 11.5.2006 but the same had not been processed till this day and on that account the competent authority could not pass appropriate order.

In the backdrop of the above revelation, we have considered the appellant's challenge to the order passed by the learned Single Judge.

While Sri V.Srinivas argued that the District Collector had passed order of suspension keeping in view the seriousness of the allegation levelled against respondent No.1, which was prima facie found proved and ,therefore, the learned Single Judge should not have stayed the operation of order dated 19.4.2006, Sri V.Ravinder Rao defended the order under challenge by arguing that the order of suspension had been passed by the District Collector due to political reasons. He laid emphasis on the fact that the reply submitted by respondent No.1 was kept pending for a period of almost seven months and the order of suspension was passed just before declaration of the elections.

We have considered the respective submissions. At this stage, we do not want to comment on the correctness and justification of the direction given by the learned Single Judge and feel that ends of justice would be met by directing the revisional authority to take up the revision petition of respondent No.1 for hearing

and pass appropriate order.

In order to facilitate hearing of the revision petition, we direct that the appellant and respondent No.1 should appear before the revisional authority either in person or through their representatives on 19.6.2006. The revisional authority shall, after hearing the arguments made on behalf of the parties and examining the record of the case, pass appropriate order keeping in view the fact that the District Collector had passed the order of suspension in the backdrop of extremely serious allegation levelled against respondent No.1.

The revisional authority should pass final order latest by 21-6-2006. The revisional authority shall refuse the request for adjournment, if any, made by either of the parties.

If the revisional authority comes to the conclusion that the case set up by respondent No.1 has merit and order dated 19.4.2006 is liable to be set aside, then it shall pass appropriate order to that effect. If, on the other hand, the revisional authority comes to the conclusion that the plea raised by respondent No.1 is meritless, then it shall pass order dismissing the revision petition. In that event, the order of suspension passed by the District Collector shall automatically get revived.

The appeal is disposed of with the above directions. Liberty is given to the appellant and the State to file miscellaneous application for further directions, if any such contingency arises.

G.S.SINGHVI, CJ

Dated 15.6.2006

G.V.SEETHAPATHY,J

Note: Court Officer is directed to give

a copy of this order to the learned Government
Pleader for Panchayat Raj, latest by 16.6.2006

(B/o)

msv.